

Joint Committee Meeting
Senate Infrastructure Development and Security
House Transportation
May 4, 2004
Driver Responsibility Program

House Bill 3588 of the 78th Regular Legislative Session created the Driver Responsibility Program, Chapter 708 of the Texas Transportation Code. The stated purpose of this program is to enhance the public safety of roads, streets, and highways, and hold irresponsible drivers accountable for their actions. The statute requires the Department to implement a program in which drivers are assessed a fee based on their driving history. Failure to submit the fee will result in the loss of their driving privileges.

The Driver Responsibility Program has two major components, a point system and a conviction surcharge system. The point system is based primarily on the accumulation of class C traffic offenses, whereas the conviction surcharges are based on a one-time conviction of certain more serious traffic offenses.

A brief synopsis of this program follows:

Points are assessed for:

Moving traffic violation conviction	=	2 points
Moving traffic violation conviction resulting in an accident	=	3 points

Surcharges based on the accumulation of points are:

\$100 surcharge required every year in which the driver has accumulated 6 points
An additional \$25 per point over 6 points

The conviction surcharge system applies to the following:

Driving while intoxicated	=	\$1,000
Second DWI within three years	=	\$1,500
DWI = or > .16	=	\$2,000
DWLI/Suspended	=	\$ 250
No liability insurance	=	\$ 250
Driving without a valid license	=	\$ 100

The surcharge will be required every year for three years following a conviction for the above offenses.

Revenue collected from this program is divided between:

Trauma Center Fund	=	49.5%
Texas Mobility Fund	=	49.5%
DPS for program administration	=	1.0%

Drivers who fail to meet their surcharge requirements will have their driving privilege revoked until compliance is received.

To implement this program the Department was required to identify, by rule, offenses to be assessed points as moving violations. This rule has been approved by the Public Safety Commission and is currently posted in the Texas Register for public comment. The earliest adoption date for this rule is May 16, 2004.

Also, mainframe programming has been created to identify those drivers who have met the 6 point surcharge requirement or have been convicted of an offense resulting in an automatic surcharge.

The surcharge process will require considerable manpower commitment to track the accumulation of points and process installment payments, therefore, HB3588 provided for the outsourcing of this portion of the program. Specifications and requirements have been developed for the outsourcing of payment collection and a Request for Offer prepared. Pending final approval, we believe that the RFO will be posted for vendor proposals in late May to early June, with full implementation of this program in August.

While no surcharge revenue has been collected to date, the assigning of points and the conviction surcharge assessments will be made retroactive to the effective date of this program, September 1, 2003. This revenue is not lost but has been deferred pending the necessary implementation of the required components of this program.

Revenue projections are based on our current compliance rate of 66% for current reinstatement fees of \$100 or \$125. Projections are:

First Year	Second Year	Third Year
\$48,192,936	\$101,704,317	\$310,987,941

A computer analysis of driver records, conducted on April 28, 2004, reveals that 99,996 records have been identified as being affected by a surcharge resulting in a total surcharge due of \$29,285,925. Utilizing the 66% compliance rate, as indicated above, results in the total anticipated revenue gain of \$19,328,710.

Attachment:

Texas Administrative Code §15.89, Moving Violations

Proposed Rules – Driver Responsibility Program Moving Violations

§15.89 Moving Violations.

(a) Moving violations are defined as an act committed in connection with the operation of a motor vehicle on a public street or highway, which constitutes a hazard to traffic and is prohibited by state law or city ordinance.

(b) A list of traffic offenses that constitute a moving violation is available in Table 1.

(c) Table 1 also indicates the moving violations that will be assessed points under the Driver Responsibility Program, Texas Transportation Code Chapter 708.

(1) Not all moving violations are assessed points under the Driver Responsibility Program, however, they may be considered for Habitual Violator action under TRC §521.292(a)(3).

(2) Moving violation convictions that are assessed a surcharge under the Driver Responsibility Program are not assessed points under this program. (i.e. DWI, DWLI, No Liability Insurance, No Driver License)

Arrest Title	Driver Responsibility Points
Aggravated assault with motor vehicle	Yes
ALR CMV .04>ADM	No
ALR CMV HZMT .04>ADM	No
ALR-CMV HZMT REF-ADM	No
ALR-CMV REFUSAL-ADM	No
Backed up on shoulder (or roadway) of controlled access highway	Yes
Bus driver failed to activate warning signal/equipment	Yes
Bus failed to stop at RR crossing	Yes
Bus shifting gears while crossing RR tracks	Yes
Changed lane when unsafe	Yes
Coasting	Yes
Coasting (truck, truck tractor or bus, specify) with clutch disengaged	Yes
Consume alcohol while driving	Yes
Criminal negligent homicide with motor vehicle- 1st or 2nd degree	Yes
Crossed RR with heavy equipment without notice	Yes
Crossed RR with heavy equipment without stop (or safety)	Yes
Crossing fire hose without permission	Yes
Crossing physical barrier	Yes
Cut across driveway to make turn	Yes
Cut corner left turn	Yes
Cut in after passing	Yes
Did not use designated lane or direction	Yes
Disregard solid green turn signal arrow	Yes
Disregarded flashing red signal (at stop sign, etc.)	Yes
Disregarded flashing yellow signal	Yes
Disregarded lane control signal	Yes
Disregarded no lane change sign	Yes
Disregarded no passing zone	Yes
Disregarded police officer	Yes
Disregarded RR crossing gate or flagman	Yes
Disregarded signal at RR crossing	Yes

Disregarded traffic control device	Yes
Disregarded turn marks at intersection	Yes
Disregarded warning sign at construction	Yes
Drive into block where fire engine stopped	Yes
Driving under influence	No
Driving under influence (DUI) - minor	Yes
Driving under influence of drugs	No
Driving while impaired	No
Driving while intoxicated >0.16	No
Driving while intoxicated with child younger than 15 yoa	No
Driving while intoxicated--felony	No
Driving while intoxicated--juvenile	No
Driving while intoxicated--misdemeanor	No
Driving while intoxicated--on beach	No
Driving while intoxicated--probated	No
Driving while intoxicated--under 21	No
Driving while license disqualified--CMV	No
Driving while license suspended under provisions of DL laws	No
Driving while license suspended--SR	No
Drove center lane (not passing, not turning left)	Yes
Drove on (or across) streetcar tracks where prohibited	Yes
Drove on sidewalk	Yes
Drove on wrong side -- RR crossing	Yes
Drove on wrong side of approaching bridge	Yes
Drove on wrong side of divided highway	Yes
Drove on wrong side of road	Yes
Drove on wrong side road approaching intersection	Yes
Drove on wrong side road approaching RR grade crossing	Yes
Drove on wrong side road awaiting access to ferry	Yes
Drove onto (or from) controlled access highway where prohibited	Yes
Drove through safety zone	Yes
Drove to left of rotary traffic island	Yes
Drove without lights--when required	Yes
Drove wrong way in designated lane	Yes
Drove wrong way on one-way roadway	Yes
Endorsement violation CDL	Yes
Excessive acceleration (NO LONGER OFFENSE 9/01/2003)	No
Exhibition of Acceleration(NO LONGER OFFENSE 9/01/2003)	No
Fail to control speed	Yes
Fail to dim headlights--following	Yes
Fail to dim headlights--meeting	Yes
Fail to drive in single lane	Yes
Fail to give hand signals when required	Yes
Fail to give info/render aid	No
Fail to give one-half of roadway	Yes
Fail to keep to right on mountain road	Yes
Fail to pass left safely	Yes
Fail to pass met vehicle to right	Yes
Fail to pass to right safely	Yes
Fail to signal for stop	Yes
Fail to signal required distance before turning	Yes
Fail to signal turn	Yes
Fail to signal with turn indicator	Yes

Fail to sound horn--mountain road	Yes
Fail to stop - designated point - at stop sign	Yes
Fail to stop - designated point - at yield sign	Yes
Fail to stop and render aid--felony	No
Fail to stop and render aid--misdemeanor	No
Fail to stop at marked RR crossing	Yes
Fail to stop at proper place (at traffic light)	Yes
Fail to stop at proper place (flashing red signal)	Yes
Fail to stop at proper place (not at intersection)	Yes
Fail to stop for approaching train	Yes
Fail to stop for approaching train--hazardous proximity	Yes
Fail to stop for school bus (or remain stopped, specify)	Yes
Fail to stop for streetcar--or stop at wrong location	Yes
Fail to stop--emerging from alley, driveway or bldg.	Yes
Fail to use due care for pedestrian	Yes
Fail to use proper headlight beam	Yes
Fail to yield at stop intersection	Yes
Fail to yield at yield intersection	Yes
Fail to yield for blind or incapacitated person	Yes
Fail to yield right of way	Yes
Fail to yield right of way from private road	Yes
Fail to yield row at open intersection (specify type)	Yes
Fail to yield row leaving (private drive, alley, building)	Yes
Fail to yield row on green arrow signal	Yes
Fail to yield row on green signal	Yes
Fail to yield row on left at obstruction	Yes
Fail to yield row to emergency vehicle	Yes
Fail to yield row to pedestrian at signal intersection	Yes
Fail to yield row to pedestrian in crosswalk	Yes
Fail to yield row to pedestrian in crosswalk - no signal	Yes
Fail to yield row to pedestrian on sidewalk	Yes
Fail to yield row to pedestrian turning right or left at intersection	Yes
Fail to yield row to pedestrian--green arrow signal	Yes
Fail to yield row-changing lanes	Yes
Fail to yield row--turning left (at intersection, alley, private road or driveway)	Yes
Fail to yield row--turning right on red signal	Yes
Fail to yield to vehicle in intersection	Yes
Fail to yield to vehicle leaving highway	Yes
Failed to give way when overtaken	Yes
Failed to signal lane change	Yes
Fleeing from police officer	Yes
Following ambulance	Yes
Following fire apparatus	Yes
Following too closely	Yes
Following too closely - caravan	Yes
Following too closely - truck	Yes
Head lamps glaring not adjusted	Yes
Heavy equipment disregarded signal of train	Yes
Illegal backing	Yes
Illegal pass on right	Yes
Illegally passed streetcar	Yes
Impeding traffic	Yes
Improper turn	Yes

Improper turn or stop hand signal	Yes
Improper use of auxiliary driving lamps	Yes
Improper use of auxiliary passing lamps	Yes
Improper use of lighting - hwy. equip.	Yes
Improper use of spot lamps	Yes
Improper use of turn indicator	Yes
Increased speed while being overtaken	Yes
Interfere with streetcar	Yes
Intoxication assault	No
Intoxication assault motor vehicle	No
Intoxication manslaughter	No
Intoxication manslaughter motor vehicle	No
Involuntary manslaughter with motor vehicle	Yes
Leaving scene of accident	Yes
Leaving scene of accident--vehicle damage	Yes
Made U-turn on curve or hill	Yes
Murder--with motor vehicle	Yes
Negligent collision	Yes
No commercial driver license (CDL)	Yes
No double trailer endorsement (CDL)	Yes
No driver license	No
No hazmat endorsement (CDL)	Yes
No motorcycle endorsement	Yes
No passenger vehicle endorsement (CDL)	Yes
No tank vehicle endorsement (CDL)	Yes
Obstructed view through windshield	Yes
Obstructing traffic	Yes
Open Container DRIVER	Yes
Operate vehicle more than one passenger-minor	Yes
Operate vehicle where prohibited	Yes
Operate vehicle with child in open bed	Yes
Passed streetcar on left without reducing speed or without caution	Yes
Passed vehicle stopped for pedestrian	Yes
Passed--insufficient clearance	Yes
Passengers/load obstruct driver's view or control	Yes
Passing authorized emergency vehicle	Yes
Permitted/operated unsafe vehicle	Yes
Person(s) riding in trailer or semi-trailer	Yes
Prohibited motor vehicle on controlled-access highway	Yes
Racing--drag racing--acceleration contest, etc.	Yes
Ran red light	Yes
Ran stop sign	Yes
Reckless driving	Yes
Restriction violation—CDL	Yes
Slower vehicle failed to keep to right	Yes
Speed under minimum	Yes
Speeding	No
Speeding >10% above posted speed limit	Yes
Speeding--15 miles or over (CDL)	Yes
Speeding-school zone	Yes
Too many riders on motorcycle	Yes
Turned across dividing section	Yes
Turned left from wrong lane	Yes

Turned right from wrong lane	Yes
Turned right too wide	Yes
Turned so as to impede or interfere with streetcar	Yes
Turned when unsafe	Yes
Unauthorized use of siren, bell or whistle	Yes
Unsafe speed (too fast for conditions)	Yes
Unsafe start from parked, stopped or standing position	Yes
Use of school bus signal for wrong purpose	Yes
Veh. hauling explosives (or flammable materials) failed to stop at RR crossing	Yes
Veh. hauling explosives failed to reduce speed at RR crossing	Yes
Vehicle without required equipment or in unsafe condition	Yes
Violate DL restriction	Yes
Violate DL restriction on occupational license	Yes
Violate operating hours-minor	Yes
Violated out of service order	Yes
Wrong side road--not passing	Yes
Wrong side, 4 or more lane, two-way roadway	Yes